

Town of Los Altos Hills

City Council Regular Meeting Minutes

Thursday, February 28, 2008
Council Chambers, 26379 Fremont Road

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Jones called the City Council Regular Meeting to order at 6:40 p.m. in the Council Chambers at Town Hall.

Present: Mayor Craig A.T. Jones, Vice Mayor Jean Mordo, Councilmember Breene Kerr, Councilmember Mike O'Malley, Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Carl Cahill, City Engineer/Public Works Director Richard Chiu, Finance Director Nick Pegueros, Planning Director Debbie Pedro, City Attorney Steve Mattas, and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to limit comments from the floor to two minutes.

APPOINTMENTS AND PRESENTATIONS

1. Presentation by Anna Alioto, Development Director, Hidden Villa and Consideration of Request for Council Proclamation declaring April "Sustainability in the Hills" Month

Anna Alioto introduced herself and provided background information on Hidden Villa's month long event "Sustainability in the Hills". The program will showcase workshops, movies, speakers and building tours that promote a sustainable lifestyle. PG&E and the Town Crier are key sponsors of the event. Participating organizations included Hidden Villa, the California Native Plant Society, Friends of Westwind Barn, Bullis Charter School, the Committee for Green Foothills and Foothill College. Los Altos Hills Standing Open Space, Pathways and Environmental Initiative Committees were also scheduled to participate in the activities.

Alioto deferred her presentation to Marc Sidel, Hidden Villa Community Program Director. Sidel reviewed the April calendar of events and programs that were scheduled to increase awareness of sustainability. Events included: e-waste recycling; bird hike with the Audubon Society; native plant sale; "Bring Back the Birds" program scheduled at Town Hall; Town pathways clean-up; and, the Earth Day Celebration at Westwind Barn.

Alioto requested Town assistance in promoting the various events including the e-waste recycling and Earth Day at Westwind Barn.

Mayor Jones thanked Alioto for her presentation. Councilmember Kerr encouraged staff to help coordinate the Town's Standing Environmental Initiatives Committee's programs with Hidden Villa's "Sustainability in the Hills" event.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to declare April "Sustainability in the Hills" Month, to give direction to the City Clerk to draft a proclamation acknowledging same and to approve staff assistance in the promotion of events by means of signage.

2. Appointment to Standing Committees

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to appoint Anne Marie Gallagher to the Standing Education Committee for a term of four years.

3. Appointment of Exhibit Curator

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to appoint Karen Druker to serve as the Town's Exhibit Curator.

CONSENT CALENDAR

MOTIONED SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the items on the consent calendar with Councilmember Warshawsky recusing himself from consideration of Agenda Item #6 and Agenda Item #8:

4. Approval of Meeting Minutes: Regular City Council Meeting January 24, 2008
5. Review of Disbursements – January 2008 - \$758,945.78
6. Approval of Town Participation in Reimbursement Agreement for Sewer Connection at Westwind Community Barn – Resolution No. 13-08
7. Award of Contract for Preparation of Construction Documents for Fremont Road Pavement Rehabilitation and Old Altos Triangle Pathway – Resolution No. 14-08
8. Acceptance of Dedication of Right-of-Way: Lands of Meru, LLC. 27241 Altamont Road – Resolution No. 15-08
9. Approval of Initial Study and Adoption of Negative Declaration for the Los Altos Hills Sanitary Sewer System Expansion Study and Plan
10. Receive Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 2007
11. Notification of Fast Track Approval: Lands of Kianian: 14320 Miranda Road;

(File # 94-07-ZP-SD); A Request for a Site Development Permit for a new 1,192 square foot addition and remodel (maximum height 25'). Project includes a two story addition to the existing residence and a new two story, detached garage. CEQA review-Categorical Exemption 15301 (e)

PRESENTATIONS FROM THE FLOOR

None

PLANNING COMMISSION REPORT

Planning Director Debbie Pedro reported that the Planning Commission at their February 21, 2008 meeting had reviewed the Lands of Agam and Cohen, a three-lot subdivision. The project requires Council approval and has been scheduled for a Public Hearing at the March 13, 2008 meeting.

Pedro noted that she and the Town's Building Official had attended a week long green building seminar sponsored by the non-profit organization, "Build It Green". Pedro will be forwarding a report to the Environmental Initiatives Committee on the "green point building" rating system for their review and ultimately return to Council with a proposal for the Town to integrate the program into the building process.

UNFINISHED BUSINESS

TOWN GOALS (12A-12F)

12A. Significantly Enhance Resident Access to Recreational Facilities

Westwind Community Barn:

Councilmember Kerr reported that the WCB Committee had recently conducted a very extensive meeting to review and identify the 2008 plans for the facility. The expectation was for a proposal to address the seismic and infrastructure issues at the Barn to be forwarded to the City Council for their consideration at the next regularly scheduled meeting.

Town's Little League Fields:

Councilmember Kerr advised that water consumption at the fields was being carefully reviewed and there was currently an effort to determine what costs would be associated with a more comprehensive effort to reduce water usage. Kerr noted that Council would be kept apprised of any additional costs associated with the effort and a proposal would be returned for their consideration when it was finalized. He added that the investigation had required some staff time but believed the review was consistent with the Council's adopted strategic conservation goals.

City Manager Cahill reported that the Standing Pathways Committee had met and reviewed the proposed pathway at the Little League site. They are satisfied with the location of the new path and proposed route.

Access Adjacent Recreational Assets:

Vice Mayor Mordo provided a status report on discussions of a reciprocal agreement with the City of Los Altos for recreation privileges. He has met with representatives of the Los Altos Council and the Town's Parks and Recreation Committee. Additionally, the staff from both municipalities have also met.

Mordo offered that the City of Los Altos was fairly receptive to the exchange of recreation privileges in the municipalities' respective programs (residents of each community would be treated on an equal basis with priority for registration and fees for programs). Some concerns have been expressed with a joint program brochure. Mordo suggested that the distribution of the brochure would reach a wider audience for participation in the Town's programs and could potentially be beneficial.

Councilmember Warshawsky thanked Vice Mayor Mordo for his efforts. He cautioned that the discussions were preliminary and that the City Council had not approved any agreement.

Mordo concurred but believed that if the exchange were brought to fruition, it would be very beneficial to the Los Altos Hills residents. He noted that the agreement would have minimal financial impact on the Town and would afford the Town's residents the opportunity to participate in many of the recreation programs in Los Altos that were closed to Town residents because they were fully subscribed.

Mayor Jones advised that the agreement would be subject to considerable review and approval by both City Councils. To date the only authorization by the City Council has been their consent for initial discussions of the proposal.

Councilmember O'Malley noted that it was important to include the Parks and Recreation Committee in the discussions, given that they had been instrumental in founding and developing the Parks and Recreation programs.

12B. Return Public Elementary School Education to Los Altos Hills

Bullis-Purissima Campus:

Standing Committee Chair Bart Carey introduced the item to Council. Council had before them in their meeting packet a resolution adopted by the Committee recommending that the City Council consider the new field at the Bullis-Purissima Campus a top priority as a new recreation facility and reconsider the allocation of funds towards construction of the new field. Councilmember Warshawsky noted that he and Mayor Jones had recused themselves from the committee member vote on the resolution.

Carey proceeded with a PowerPoint presentation "Consideration of Funding Assistance for Bullis-Purissima Playing Field". Carey noted that the project would have both a recreational and educational value for the community. He reviewed the previous recreation funding allocations made by the City Council and offered that the Bullis-Purissima School was an important community asset and the proposed field was

consistent with community goals and community building and believed that it would be beneficial to accelerate the construction process. Carey reviewed an aerial of the neighborhood and contiguous properties that would be directly impacted by the proposed playing field. He suggested that the concerns of the neighbors in regard to the larger field might be mitigated by use agreements and usual development principles.

Carey concluded his presentation by summarizing the committee's recommendation. He noted that participation in the project would give the Town the maximal role in the process and suggested that it was appropriate to begin a dialogue with the Los Altos School District. Funding of the project was not urgent given that the construction schedule was for 2009.

Council thanked Carey for his presentation.

Mayor Jones noted that the funding of \$12 million for the renovation of the Bullis-Purissima School by the Los Altos School District was a major benefit for the community and the goal of the Council was to ensure that the re-opened school was a success. Jones reported that at the same committee meeting where the proposed field had been discussed, the committee questioned what else would be needed to make the "new" school a success. In response to the query, Superintendent Tim Justus had sent a letter to the Council identifying equipment for the campus.

Following a brief discussion, Council requested that the letter from Superintendent Justus and the equipment/furniture list be agendaized for Council consideration of a "one-time" allocation for funding of campus needs at the March 13, 2008 regular City Council meeting. Mayor Jones noted that he would request the Superintendent to prioritize the list.

12C. Develop a Plan for Expanded Sewer Access to More Residents

Councilmember O'Malley reported that the Ad Hoc Committee would be reporting their findings to the City Council at the March 13, 2008 meeting.

12D. Maintain and Build Off and On Road Pathways Already Approved on the Pathways Master Plan

No report.

12E. Complete the Redrafting and Approval of the Town General Plan

Councilmember O'Malley advised Council that the Planning Commission would be reviewing the last of the Elements to be redrafted at their April meeting. Following their review, the Land Use Element and possibly the Pathways Element would be forwarded to Council for their consideration. O'Malley noted that the committee had been meeting every other week for the past thirty (30) months and it was rewarding to see the General Plan update nearing completion.

12F. Complete the Undergrounding Pilot Project

Councilmember Warshawsky reported that the ground breaking for the Pilot Project had been held. The contractors have started the project and the expectation was to have the trenching completed by April 17, 2008.

Councilmember Warshawsky noted that the project had been long anticipated and supported by the volunteer Undergrounding Ad Hoc Committee and it was wonderful to see the project finally launched.

13. Receive Report from Solid Waste Franchise Ad Hoc Committee

Finance Director Nick Pegueros introduced the item to Council. He noted that the report before Council was the culmination of several months' efforts on the topic of the new solid waste franchise agreement that would go into effect on October 1, 2008. The action item identified in the report before Council was Council authorization of the Solid Waste Ad Hoc Committee to begin negotiations with Green Waste Recovery, Inc. on a new franchise agreement that would expand the service level that is currently being offered by the current franchise holder, Los Altos Garbage Company.

Pegueros reviewed the process that the Ad Hoc Committee had followed to develop the RFP to solicit proposals for solid waste collection services. In addition to retaining all current services, the RFP requested pricing for various service enhancements which included more frequent collection of recyclables and yard waste. The Town released the RFP to eight regional solid waste providers and received proposals from Los Altos Garbage Company (LAGCo), the Town's current hauler and GreenWaste Recovery Inc., the hauler currently servicing the Towns of Woodside and Portola Valley.

The Ad Hoc Committee had evaluated the two proposals using a four-point criteria: price/cost proposal (70%); technical proposal (20%); firm qualifications (5%); and responsiveness (5%) cost. The proposals had included several rates for varying service levels and the Committee had focused on two service levels: Option A maintained the current service level and Option B enhanced the service to increase the frequency of recycling and plant trimmings collection from every-other week to weekly. Pegueros proceeded with a PowerPoint presentation of the comparative rates of the two providers for both Options. For the purpose of the presentation, Pegueros compared the rates for side/backyard service (25'-100' from street) 1 and 2 can service. Pegueros noted that copies of a more complete detailed analysis of the proposed rates and varied service options was available for the public on the conference table at the rear of Chambers. LAGCo's proposed rates for the Town-wide annual contract maintaining the same level of service (Option A) was 15% over the current contract. GreenWaste Recovery's proposed rate for Option A was 8% below the current contract. The comparative proposed rates for the enhanced level of service (Option B) were 67% above the current contract for LAGCo and 8% above the current contract for GreenWaste Recovery.

Pegueros deferred to Jay Shideler, to provide an overview of the technical review of the two proposals. Shideler, Environmental Initiatives Committee Chair and Ad Hoc Committee member introduced himself. He noted that LAGCo was a fine company and had provided excellent service to the community for many years and he was not before Council to criticize the firm. However, after review of the proposals, he believed that the Town had a responsibility to seek a provider that would give the best service at the

lowest price and noted that the Town had been offered the long term contract from GreenWaste Recovery that was “too good too pass up.” Shideler had spoken with the City Managers of Portola Valley and Woodside, and they had both offered positive reviews of their current hauler, GreenWaste Recovery.

Shideler summarized the recycling capabilities of both firms. LAGCo’s recycling rate of everything that was collected in Town was at 61% and the firm did not have any future plans to increase or improve the recycling process. GreenWaste Recovery would process everything. Unlike LAGCo, their process sent 100% of the collection through the recycling lines using the latest machinery imported from Europe. GreenWaste Recovery’s dual line process had a recycling efficiency of approximately 92% for single stream and 80% for solid waste and food material. Shideler estimated that the Town’s recycling would increase from the current level of 61% with LAGCo to 85% with GreenWaste Recovery. GreenWaste’s collection service included single stream recyclables, yard waste, food waste and other waste materials weekly at a lower cost compared to LAGCo’s alternating weekly pick-up of recycling and yard waste. Shideler had toured the recycling sites for both firms.

GreenWaste Recovery’s proposal called for the use of new trucks with dual compartments, one for single stream recycling and the other for all waste including food and yard waste. Additionally, the trucks would be of two sizes, the smaller truck would be used to navigate the driveways for residents using side-yard service. He suggested that the use of single-purpose trucks versus multiple trucks would save in fuel and the “wear and tear” on roads and driveways. Shideler commented that GreenWaste Recovery, prior to submitting their bid had driven the Town’s roads and mapped and analyzed the collection routes.

Shideler addressed the concerns expressed by some residents that the employees of LAGCo would loose their jobs if GreenWaste Recovery was to be awarded the contract. He suggested that many of the workers would be hired by the new contractor and those with seniority would be transferred to other positions within their current employer. GreenWaste had an excellent personnel history and their salaries and benefits were comparable to that of the industry.

GreenWaste’s proposal called for the continuation of the enhancements currently provided by LAGCo including: mulch delivery to Westwind Barn; the pick-up of illegally dumped and abandoned refuse in Town; and, universal waste collection. Additionally, electronic waste would be collected curbside.

Shideler concluded his presentation by noting that Los Altos Hills would be able to maintain an excellent collection service program with improved recycling and reduction in air pollution by contracting with GreenWaste Recovery at a cost significantly less than LAGCo.

Mayor Jones thanked Jay Shideler for his report. Jones suggested a format for the review process of the agenda item before Council for their consideration. He recommended that Council take public comment and then continue the vote on the item to the next meeting to permit additional time for public input and an opportunity for Council to ask questions of the staff and Ad Hoc committee regarding the recommendation.

Council concurred with the Mayor's recommendation. Consensus was to take public comment at the March 27, 2008 from anyone who did not speak on the subject at tonight's meeting.

Vice Mayor Mordo, member of the Solid Waste Ad Hoc Committee provided a summary of the Committee's review process. He acknowledged that the Town has been pleased with the service provided by the current franchisee, Los Altos Garbage Company. Their current contract expires in September and LAGCo advised the Town that they could continue the service but with approximately a 22% increase in cost. A survey of current charges for refuse was conducted by the staff and it was determined that the Town was already paying approximately 10% more than neighboring communities for comparable services. Because the rates are paid by the residents, it was determined that it would be appropriate to send out a Request For Proposals (RFP). A consultant was hired to prepare the proposal and the Ad Hoc Committee reviewed it to ensure that it was complete. The Town received two submissions, one from LAGCo and one from GreenWaste Recovery, Inc. Mordo noted that the difference between the two proposals was significant with GreenWaste's proposal for more enhanced service at a lower cost than the current service proposal from LAGCo. Additionally, they would provide free containers, weekly pick-up and no limit to resident yard waste.

Mordo believed that GreenWaste was able to offer the lower bid due to their improved technology for collecting refuse and method for sorting recyclables that maximized their ability for the resale of materials. He noted that they paid prevailing wages, full medical benefits, and had excellent labor relations but were non union.

COMMENTS:

Frank Weigel, Chief Operating Officer, GreenWaste Recovery, Inc. described the sorting process used by the company.

Michael Gross, GreenWaste Recovery and Zanker Road Landfill, addressed Council. Zanker Road is the "composter" of the recycled material described by Mr. Weigel. The organic portion of the collection is sent to the company's operation in Gilroy for composting and following processing is ultimately sold for landscaping operations. Last year, 104,000 tons of composted yard waste was sold. He noted that their process for collection (GreenWaste) maximizes the cost savings for residents.

Frank Weigel commented on the benefits provided to their drivers and collection staff. Employees are paid hourly wages competitive with the Town's Maintenance II worker position. The company paid full health benefits for the employee and family.

John Zirelli, General Manager, Los Altos Garbage Company thanked the City Council for taking into consideration postponing their decision to the next meeting to allow additional time to review the proposals. Zirelli offered that the main difference in the price between the two bids was the wage rate differential. LAGCo paid their drivers \$29.65 per hour in comparison to the \$18-\$19 paid to GreenWaste drivers in Portola Valley and Woodside. LAGCo also provides employee health benefits and a pension.

Zirelli stated that the “going rate” for drivers in other cities (Palo Alto, San Jose, West Valley cities) was \$29-\$30 per hour.

Zirelli referenced the approximate 70 LAGCo employees in attendance that had come on their own time to show their support for the company. The drivers in Los Altos Hills had a combined 141 years of experience. Residents know and trust the drivers to enter their gated and secured private properties.

Zirelli spoke to the challenges of providing collection service in Los Altos Hills. The topography, private roads and narrow driveways all impact the process and most often require the use of a small mini-satellite truck to ensure that there is no damage to residents’ properties. Zirelli believed the service area was more difficult than Portola Valley or Woodside. He doubted that the trucks described by GreenWaste would be appropriate. LAGCo currently has 450 customers who require the smaller trucks to service their residences and offered to provide a tour of the accounts to enable a better understanding of the complicated collection issues.

Zirelli reviewed the additional enhancements that had been included in LAGCo’s proposal. They included: document shredding to prevent identity theft in conjunction with the Fire District’s yard waste monthly program; free pick-up of clothing items to be donated and delivered to a non-profit; street sweeping increased from once to twice monthly; and, a school recycling redemption program. Zirelli offered that LAGCo has been a good partner in recycling and conservation efforts with the Town and in a recent survey of Los Altos Hills customers, 96% responded that they were happy/satisfied with their service.

Richard Gertman, President, Environmental Planning Consultants addressed Council. He had been engaged by the Town to assist in developing the RFP and review the submittals. In response to Councilmember Kerr’s inquiry on any potential problems with the size of GreenWaste trucks on narrow roads and driveways, Gertman did not believe the size of the vehicles would pose any problems with collection. Weigel concurred and spoke to the numerous areas they presently service that were challenging. He suggested that the company specialized in hard-to-service terrains.

OPENED PUBLIC COMMENT

Mayor Jones acknowledged the many LAGCo employees that were present and that their attendance was in support of the company and the representatives who would be speaking on their behalf.

Bob Morales, Secretary/Treasurer of Teamsters Local No. 350, commented that he represented members of the Union that were employed by Los Altos Garbage Company (LAGCo). He advised Council that he was speaking to them on the human element of the proposals-the employees that service Los Altos Hills. Morales stated that GreenWaste was paying their workers approximately 35% less than wages paid by refuse contractors for surrounding cities. He asked the Council to permit the Union to demonstrate to the City Manager and the Town the pay rate differential and suggested that the hourly rate was the reason the bid was so low and encouraged the City Council to delay their decision.

Jitze Couperus, Page Mill Road, complimented the Town on their posting of the meeting packet on the website. He offered that he had been concerned that side yard collection service would be eliminated with a new contract but he was pleased to learn via the discussion, that the service would be continued at a reduced rate with more frequent collection.

Pam Wilson, Bentley Court, supported the continuation of the current service. She spoke to the very caring and helpful LAGCo employees that service her residence. Wilson commented on her experience growing up and the important role that unions had played in her community.

Resident, Old Page Mill Road, reiterated the concern of larger trucks traversing her long, narrow driveway and damaging her landscaping features and plants noting that the UPS delivery trucks cannot make the drive. She has never had an issue with LAGCo and favored retaining the current franchise. She added that she traveled frequently and the company was very reliable and dependable.

Grace Sawka, Concepcion Road, suggested that the issue of “trust” should be a factor considered by the Council in making their decision and spoke to the excellent service that her driver provided. She noted that she would be happy to pay more to continue the contract with LAGCo.

Resident, Page Mill Road, resident since 1947. He commented on his narrow, steep driveway and the excellent service that he and the other families on his street have received from Los Altos Garbage Company. He encouraged the Council to ensure that they receive the same level of service if there were any changes. He did not want the drivers to loose their union status and be forced to take a reduction in pay.

Mark Jensen, Purissima Road, commented that he has never used the services of Los Altos Garbage Company and was opposed to the Town’s mandatory universal service.

Mark Harrison, Page Mill Road, noted that he recognized many of the LAGCo drivers assembled in the audience. He appreciated their excellent service and believed that people deserved a “livable” wage. Harrison suggested that LAGCo consider contracting with GreenWaste for recycling services.

Michelle Harrison, Page Mill Road, commented that she was very young when she first met her garbage collector and they have “grown old” together and have developed a friendship. She has never encountered a problem with LAGCo and concurred with the comments of a previous speaker, that there was an important issue of “trust”. She questioned if the low rates from GreenWaste were viable and how long would they last.

Larry Daugherty, Teamsters Local Union 350, offered to make the contracts with the surrounding communities available to the Council for the purpose of wage comparisons with Portola Valley and Woodside that were being referenced by GreenWaste.

Larry Belfield, LAGCo Driver, route in Los Altos Hills. Commented that he has worked for the company for 25 years and the company paid a livable wage and many benefits.

He really enjoyed what he did and offered that the drivers in Los Altos Hills take pride in their work. There is an open dialogue with the company. He encouraged the Council to consider continuing with Los Altos Garbage Company.

Hector Delacerda, LAGCo employee for 35 years. Both he and his father have worked the Los Altos Hills routes. He encouraged the Council to consider LAGCo and offered that it would be very difficult financially to lose the contract. Del Serta spoke to the close relationship they had with the resident customers and the trust the residents had with the garbage workers.

Juan Arias, LAGCo employee for 12 years and driver in Los Altos Hills for 11 years. He spoke to how difficult it was to learn the routes, location of the garbage cans and codes for the properties. He suggested that it would be very difficult to approach the properties and maneuver with larger vehicles. Alvarez offered that there was approximately an \$11 difference in the wages paid by the two companies and benefits were a key factor.

Marquis Thomas, LAGCo employee for two years. He spoke to the credo that LAGCo teaches their employees: "The customers is always right." He encouraged the City Council to listen to the comments of the customers.

Mayor Jones advised the audience that anyone who did not speak would be afforded an opportunity at the next meeting.

CLOSED PUBLIC COMMENT

Mayor Jones commented that this was an important contract for the Town and one that impacted the Town's residents directly on a weekly basis. He offered that by delaying the vote until the next week, it would afford any resident that wanted to tender a comment the opportunity. Jones added that it would also give time for the Council to make any additional inquiries on the proposals to staff.

Jones requested that staff prepare a comparison of compensation (wages and benefits) for the drivers/collectors. Vice Mayor Mordo requested the Town staffs' compensation be included in the comparison. He understood the dialogue regarding wages but wanted to look at it relative to what the Town was paying their own.

Councilmember Kerr offered that he was concerned with the wages and commented that the cost to residents for garbage service was probably the lowest of their utility bills. Kerr noted that recycling was an important issue to the Town and suggested that LAGCo management had let the drivers down. The Town has had an ongoing dialogue with the company and encouraged them to make technical improvements that would support better recycling results. He believed that the percentage of recycling that could potentially be achieved was paramount.

Councilmember Warshawsky thanked the employees of LAGCo for their excellent service. He supported Council delaying their decision to the next meeting to have an opportunity to review the comparison of wages and long term trends.

Vice Mayor Mordo requested review of the difference between the two bid amounts and identification of how much of that difference was attributable to salaries and how much was due to other factors. He believed the findings might show that very little was a result of the salaries and GreenWaste's improved technology would be a factor.

Councilmember O'Malley congratulated LAGCo on their service to the Town. He noted that the trust expressed by residents was reflective of the great service. O'Malley hoped that the decision would not be based on paying lower wages for improved recycling. He noted that the Town has long been committed to recycling.

Mayor Jones concurred with O'Malley and noted that he was personally committed to a "green lifestyle" and also believed in paying a living wage. Jones suggested that it was important to have a comprehensive understanding of the facts: 1) comparison of wages and benefits; 2) data on the recycling percentages; and, then a review of possible innovative alternatives including the possibility of requiring a higher wage in the contract or requiring that existing LAH LAGCo drivers be hired with a new agreement.

By consensus of the City Council, the Agenda Item was continued to the March 13, 2008 Regular City Council Meeting.

COUNCIL RECESS: 8:45 P.M.

COUNCIL RECONVENED TO PUBLIC SESSION: 9:00 P.M.

NEW BUSINESS

14. Town Pathway Policy: Paying for Construction and in Lieu Fees

Planning Director Debbie Pedro introduced the item to Council. The informational item had been included in the packet at the request of Mayor Jones. Pedro reviewed the Town's pathway policy. All new development which is expected to result in an increased demand for use of pathways is subject to the dedication of easements and/or construction of paths, or payment of pathway fees. These include: subdivisions, new main residences and or secondary dwellings, addition or cumulative development of habitable floor area \geq square feet, barns or stables \geq square feet. The cost of the pathway construction and easement dedication were borne by the applicant. If no path is needed, a pathway in lieu fee is paid. The General Plan and Municipal Code support the requirements.

Council thanked Pedro for the information.

15. Consideration of Meeting Calendar for Adoption of Proposed Operating and Capital Improvement Program Budgets Fiscal Year 2008-2009

Finance Director Nick Pegueros proposed that the City Council consider scheduling a Council budget study session with the Finance and Investment Committee on May 22, 2008 prior to the regular City Council meeting at 5:30 p.m. The budget would be considered by the Council at the June 12, 2008 meeting.

Council consensus was to set the meeting per the recommendation the Finance Director.

REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

16. 2008 Annual Town Picnic Proposal-Community Relations Committee

Duffy Price, Community Relations Committee, addressed Council and advised that she was available to answer any questions they might have regarding the proposal submitted by the Committee for the 2008 Annual Picnic.

Following a brief discussion, council consensus was to increase the proposed funding for the event to \$25,000.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to allocate an amount not-to-exceed of \$25,000 for the Town's annual picnic.

STAFF REPORTS

City Manager-no report

City Attorney-no report

City Clerk- The City Clerk advised Council that pursuant to their long time goal to make information readily accessible to the residents of Los Altos Hills, the council agenda and meeting packet was now available on the Town's website. It was in a user friendly format with the agenda items directly linked to their respective staff reports. She thanked the Council for their patience during the lengthy development process.

COUNCIL INITIATED ITEMS

17. Proposed Model Water Efficient landscape Ordinance AB1881 – Councilmember Kerr

Councilmember Kerr introduced the item. He had brought the subject forward to Council to alert them to the proposed ordinance amendments that could potentially be very onerous to the Town and residents. Kerr noted that he favored water conservation but was concerned with the proposal and suggested that it would be appropriate to monitor the proposal and ensure that the Town forwards their comments in a timely manner.

Planning Director Debbie Pedro provided an overview of the ordinance. The Town had not adopted the State Department of Water Resource Model Water Efficiency Landscape Ordinance when it was originated in 1992 because single family homes were generally exempt from the requirements. The new proposal (ordinance update) would apply to any new development project with a landscape area of 2,500 square feet or more; and, new construction and rehabilitated landscapes in single family residential projects with a landscape area of 2,500 square feet or more. Existing landscapes greater than 2,500 square feet may be subject to an annual irrigation audit.

For new or rehabilitated landscape projects, homeowners would be required to submit a landscape documentation package that included a water efficient landscape worksheet, soil management plan, and irrigation design plan. The annual landscape irrigation audits for existing landscaping must be conducted by a certified landscape irrigation auditor.

Council had a copy of the ordinance text in their packet. Public comment period for the proposed ordinance ended on March 27, 2008. If approved, the ordinance would have to be adopted by local agencies by January 1, 2010.

Council spoke to the importance in forwarding the Town's comments to the State and explaining the burden of the ordinance to the Town's small staff and the burden to the Town's homeowners given the size of residential lots. It was suggested that support for the Town's situation be sought by Councilmembers from our State elected officials.

OPENED PUBLIC COMMENT

John Harpootlian, Environmental Initiatives Committee and Planning Commissioner, commented that he had alerted the Committee to the proposal. He suggested that Los Altos Hills, with the high use of water by residents, would most likely be a target. He supported water conservation efforts but concurred that the annual audits for private residences were onerous. Harpootlian had an example of a landscaping packet for the Town's Little League fields and noted that commercial projects had been meeting the requirements of the ordinance for a long time.

Eric Clow, Central Drive, thanked Harpootlian for sharing the information with the Commission. He offered that the proposal had a great potential for generating outrage. He believed it was appropriate to focus on high water users and could support audits for heavy users but not every home with landscaping.

Jim Abraham, Viscaino Road, suggested that the proposal would be a burden on the Town and suggested that the Council urge the State to exempt single family homes and eliminate the annual audits.

Ray Collins, Elena Road, noted that the 2,500 square feet of landscaping had to be irrigated before the ordinance was applicable. She suggested the Town had probably created the ordinance as a response to the high water usage of residents. Collins concurred that the audits were onerous but believed that the maximum water allowance was appropriate.

Richard Partridge, Open Space Committee, agreed that it was important to reduce the water use by residents but did not believe that the proposed annual auditing was the appropriate solution.

CLOSED PUBLIC COMMENT

Following additional council discussion, staff was directed to provide a copy of the draft response letter to Council at their next meeting for their review and comment.

18. Proposal to Support a Community Solution to the Day Worker Issue by Participating in the Funding of a Permanent Home in Mountain View – Vice Mayor Mordo

Vice Mayor Mordo introduced the item to Council. The Day Worker Center is a support organization located in Mountain View. The Center assists the mostly Hispanic day workers to find work, learn English, with legal advice, health assistance, and to learn computer skills. The Center had been evicted and forced to re-locate several times during the past six years and was currently temporarily housed in a Church in Mountain View. The Center can only operate at the site a few hours each day.

Mordo noted that the Board of Directors had been seeking a permanent housing solution for the Center for the past 18 months and recently an opportunity had arisen for the purchase of a property in Mountain View that was reasonably priced because it was not developable for housing. The Board had placed a bid on the site for approximately \$350,000.00 with the expectation that there would be some additional minimal costs for renovations. He noted that there was a small window of opportunity to acquire the site. The Center had received financial pledges from foundations and private citizens but additional funding was required. Mordo requested Council consideration to assist in finding a permanent solution to the community problem and to approve a small contribution towards the capital acquisition

Mordo introduced Lt. Tony Lopez, Mountain View Police and member of the Day Worker Center Board of Directors. Lopez addressed Council and offered that he was before Council to request assistance with a regional problem noting that residents in Palo Alto, Los Altos Hills, Sunnyvale, Mountain View and Los Altos use the services of the day workers. Lopez added that the Center also served as a Hispanic cultural center. The goal was to find a permanent location for the Center that was easily accessible and would reduce the number of day workers on the streets. Lopez concluded by noting that approximately 100 Los Altos Hills residents have taken advantage of the Center's employment services. Many contractors from the area also use the Center. The Board would also be seeking support from the neighboring municipalities.

Vice Mayor Mordo explained that the Los Altos Hills Council was the first to be approached because he served on the Committee that had been seeking a permanent location for the Center. The property had just become available with the bid placed several days prior to the meeting. His hope was that a donation from the Town in the amount of \$25,000 would lead to larger contribution commitments from the other cities.

Council Comments:

Councilmember O'Malley concurred that the Day Center was a worthy cause and noted that he would be willing to make a personal donation to the project but he was concerned that the request amount was a substantial part of the Town's annual budget for grants and was out of the budget cycle for the review process for charitable donations.

Councilmember Warshawsky offered that it was very challenging as a Councilmember to be able to systematically approach all of the different funding options for worthy projects. He noted that this was the reason that the Council had established an annual

process for reviewing charitable requests. Warshawsky concurred that this was a good cause but believed it should be reviewed at the appropriate time with the other grant requests.

Councilmember Kerr stated that he was willing to consider an emergency request but would like to see additional information.

Vice Mayor Mordo suggested that the one-time donation he was requesting for a solution to the Day Worker problem was different than the annual requests for ongoing grants. Additionally, there was a critical time constraint on the request. The Board was originally looking to spend \$2 million on a solution that would most likely require a lengthy fundraising effort but with the low cost of the property under contract, the solution could potentially be realized for approximately \$750,000. He noted that the campaign would be broadened to include private citizens and foundations. Mordo had personally pledged \$10,000. The Center would be able to handle a mortgage if necessary. To purchase the property, the contingency on the site needed to be removed by the end of April and the contract finalized by the end of May.

Mayor Jones questioned if it would be feasible for the Council to agree to a contribution amount subject to Los Altos and Mountain View contributing an amount to be determined; possibly \$100,000 collectively from the cities noting that they were larger and with a bigger tax base. Then the remaining amount could be collected from private donations. Mordo responded that there have been citizen pledges made for approximately \$150,000. He volunteered to take the request to the other cities with the conditional pledge from the Council.

Lt. Lopez noted that the City of Mountain View might be approached by the Board of Directors for an “in kind” donation.

OPENED PUBLIC COMMENT

Jim Abraham, Viscaino Road, questioned if the users of the Center were in the country legally or illegally. He believed many were in the country illegally. Abraham questioned if it was appropriate to ask the citizens of Los Altos Hills to fund the Center that will continue and benefit this lawless behavior. He did not find the request acceptable and requested that it be retracted.

John Harpootlian, Anacapa Drive, commented that he treated everyone equally and believed it was not his role to determine if someone was in the country legally or illegally. He supported the project if it would reduce the number of people hanging out on the streets looking for work.

CLOSED PUBLIC COMMENT

Councilmember O'Malley suggested that there had been no information in the packet and there should be some specificity regarding the request amount on the agenda to advise the public. He suggested that the item be continued to the March 13, 2008 meeting. Mordo concurred and agreed that it was appropriate to continue the item and to place the request amount on the meeting agenda.

Council consensus was to continue the item for their consideration to the March 13, 2008 meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 10:30 p.m.

Respectfully submitted,

Karen Jost
City Clerk

City Council Meeting Minutes were approved as presented at the March 13, 2008 Regular City Council Meeting.